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JUL - 8 2002

MCC:MEM:mel:1999V00378

MARY E. DINEEN, CLERK  
Per. 4p

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-01-0677
	:	(Rambo, J.)
RONALD L. JURY, Lieutenant,	:	
SIS, et al.,	:	
Defendants	:	

RECORD TO BRIEF IN SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT

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Williamsport, PA 17703

Date: July 3, 2002

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UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN, :  
Plaintiff :  
 : CIVIL NO. 1:CV-01-0677  
v. : (Rambo, J.)  
 :  
RONALD L. JURY, et al. :  
Defendants :  
 :

DECLARATION OF ALICIA VASQUEZ

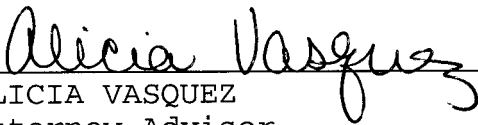
I, Alicia Vasquez, do declare and state as follows:

1. I am an Attorney Advisor for the United States Department of Justice, Federal Bureau of Prisons, Federal Correctional Complex, Allenwood, Pennsylvania. I have been employed with the Bureau of Prisons since August 2000.
2. As an Attorney Advisor with the Federal Bureau of Prisons, I have access to information maintained by the Bureau of Prisons' SENTRY computer system, as well as inmate central files and Special Investigative Supervisor (S.I.S.) Reports.
3. I am familiar with the above referenced lawsuit filed by inmate Emanuel Newman, federal register number 13418-039.
4. Attached to this declaration as Attachment 1 is a true and accurate copy of the USP Allenwood S.I.S. Report regarding the April 16, 1999 assault involving the Plaintiff. We respectfully request that this report be reviewed by the court in camera.
5. Attached to this declaration as Attachment 2 is a true and accurate copy of the Administrative Detention Order for the Plaintiff dated April 16, 1999. The Plaintiff received a copy of that Order on April 16, 1999 at 12:00 p.m. See Attachment 2.
6. Attached to this declaration as Attachment 3 is a true and accurate copy of the USP Allenwood S.I.S. Report regarding the May 14, 1999 assault involving the Plaintiff. We respectfully request that this report be reviewed by the court in camera.

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I declare that all records attached to this declaration are true and accurate copies of records maintained in the ordinary course of business by the Federal Bureau of Prisons. I further declare that the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. §1746.

Executed this 25<sup>th</sup> day of June, 2002.

  
\_\_\_\_\_  
ALICIA VASQUEZ  
Attorney Advisor  
FCC Allenwood

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Newman v. Jury, et al.

1:CV-01-0677

Declaration of Alicia Vasquez

**ATTACHMENT #1**

**000003**

Newman v. Jury  
Civil No. 1:CV-01-0677

**Pages 4 - 6**  
**(submitted in camera)**

Newman v. Jury, et al.

1:CV-01-0677

Declaration of Alicia Vasquez

**ATTACHMENT #2**

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U.S. Department of Justice  
Federal Bureau of Prisons

## Administrative Detention Order

USP ALLENWOOD

Institution

4-16-99/12:00pm

Date/Time:

TO : Special Housing Unit-Officer

FROM : **L. CAPRIO, OPERATIONS LIEUTENANT**, (Name/Title)SUBJECT : Placement of **NEWMAN, EMANUEL**, Reg. No. **13418-039**, in Administrative Detention

- \_\_\_\_\_ (a) Is pending a hearing for a violation of Bureau regulations;  
~~XXXXXX~~ (b) Is pending investigation of a violation of Bureau regulations;  
 \_\_\_\_\_ (c) Is pending investigation or trial for a criminal act;  
 \_\_\_\_\_ (d) Is to be admitted to Administrative Detention

\_\_\_\_\_ (1) Since the inmate has requested admission for protection;

I hereby request placement in Administrative Detention for my own protection.

Inmate Signature/Register No.: \_\_\_\_\_

Staff Witness Printed Name/Signature: \_\_\_\_\_

\_\_\_\_\_ (2) Since a serious threat exists to individual's safety as perceived by staff, although person has not requested admission; referral of the necessary information will be forwarded to the UDC/DHO for appropriate hearing.

- \_\_\_\_\_ (e) Is pending transfer or is in holdover status during transfer;  
 \_\_\_\_\_ (f) Is pending classification; or  
 \_\_\_\_\_ (g) Is terminating confinement in Disciplinary Segregation and has been ordered into Administrative Detention by the Warden's designee.

It is this officer's decision based on all the circumstances that the above named inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security or orderly running of the institution because\*

**You are being placed in the Special Housing Unit pending an investigation for fighting, fighting with another person can lead to serious injury to both parties as well as staff and could have escalated into a major confrontation between inmates and or/staff and threatens the security of the institution. This type of behavior will NOT be tolerated at this Institution.**

Therefore, the above named inmate is to be placed in Administrative Detention until further notice. The inmate received a copy of this Order on (date / time) **4-16-99/ 12:00pm**

Staff Witness Signature/Printed Name **/R.Y. EDER, ACT. LT.** Date **4-16-99**

\*In the case of DHO action, reference to that order is sufficient. In other cases, the officer will make an independent review and decision, which is documented here.

cc: Inmate Concerned (not necessary if placement is a result of holdover status)  
 Captain  
 Unit Manager  
 Operations Supervisor - Administrative Detention Unit  
 Central File

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Newman v. Jury, et al.

1:CV-01-0677

Declaration of Alicia Vasquez

**ATTACHMENT #3**

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Newman v. Jury  
Civil No. 1:CV-01-0677

**Pages 10 - 12  
(submitted in camera)**

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN,	:	
Plaintiff	:	
	:	CIVIL NO. 1:CV-01-0677
v.	:	(Rambo, J.)
	:	
RONALD L. JURY, et al.	:	
Defendants	:	
	:	

DECLARATION OF FORREST FARMER

I, Forrest Farmer, do declare and state as follows:

1. I am currently employed by the United States Department of Justice, Federal Bureau of Prisons, as a GS-11 Lieutenant at the Federal Correctional Institution (FCI), Allenwood. I have held this position since January 1989.
2. I have been employed with the Federal Bureau of Prisons since October 1983.
3. I am aware of the allegations contained in the above-captioned complaint.
4. On April 18, 1999, I completed a memo following an interview I had with the Plaintiff. I have attached a copy of this memo to this declaration as Attachment 1.

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5. This memorandum summarizes the discussion which took place between the Plaintiff and me. A review of this memorandum reveals that on April 17, 1999, while I was making rounds in the institution hospital, the Plaintiff (housed there as a patient) requested to speak to me. The Plaintiff stated he wanted to tell me everything that occurred regarding Black (inmate Gass' nickname) assaulting him. The Plaintiff then explained that for the past few weeks Gass had been attempting to get him to provide commissary items to him for protection. The Plaintiff said that he told Gass that he has been locked up for a long time and refused to submit to any type of extortion. Therefore, he ignored Gass. See Attachment 1.
6. The Plaintiff then relayed what he knew about the April 16, 1999 incident. Specifically, the Plaintiff told me that during the serving of the meal on April 16, 1999, the Plaintiff was working in the corner of the dish-room next to the entrance door on the New Tower side. The Plaintiff noticed that all other inmates had departed the dish-room except for Black (Gass). At this time, Gass approached and struck him in the head with a blunt object. He then continued to strike him. The Plaintiff stated he broke away from Gass and tried to leave the dish-room, but the door was locked. The Plaintiff then ran around the dish-room to the

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other side of the dish washing machine when Gass caught up with him. The Plaintiff then grabbed hold of Gass and took him to the floor. The Plaintiff then held Gass to the floor until the Food Service Foreman arrived and called for help. See Attachment 1.

7. The Plaintiff told me that the only reason he was telling me what happened was because he felt that Gass was trying to kill him. The Plaintiff stated that he didn't want Gass to get away with it even though he might be branded a "snitch". See Attachment 1.

8. I provided this summary given by the Plaintiff to the Acting Captain through the memorandum which I prepared. See Attachment 1.

I certify that the documents attached to this declaration are true and correct copies of documents kept in the ordinary course of business by the Federal Bureau of Prisons. I declare that the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. §1746.



Forrest R. Farmer,  
Lieutenant  
FCI Allenwood

06-25-2002  
Date

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Newman v. Jury, et al.

1:CV-01-0677

Declaration of F. Farmer

**ATTACHMENT #1**

000016



U.S. Department of Justice  
FEDERAL BUREAU OF PRISONS

*United States Penitentiary, Allenwood*

White Deer, PA 17887-3550

April 18, 1999

MEMORANDUM FOR J. BLANCHARD, ACTING CAPTAIN

FROM:

*F. R. Farmer*  
F. R. Farmer, Lieutenant

SUBJECT:

Additional Information Regarding An Assault

The following information pertains to an assault which took place in Food Service on April 16, 1999. The assault involved inmates NEWMAN, Emanuel Reg. Number 13418-039 and GASS, Albert Reg. Number 41363-083 with NEWMAN being the victim.

On Saturday April 17, 1999, at approximately 7:45 pm, while making rounds in the institution hospital, inmate NEWMAN (housed there as a patient) requested to speak to me. NEWMAN stated he wanted to tell me everything that occurred regarding Black (inmate GASS' nickname) assaulting him. NEWMAN stated for the past few weeks GASS has been attempting to get him to provide Commissary items to him for protection. NEWMAN stated he has been locked up for a long time and refused to submit to any type of extortion. Therefore, GASS was ignored. During the serving of the meal on April 16, 1999, NEWMAN was working in the corner of the dish-room next to the entrance door on the New Tower side. NEWMAN noticed that all other inmates had departed the dish-room except for Black (GASS). At this time GASS approached and struck him in the head with a blunt object. He then continued to strike him. NEWMAN stated he broke away from GASS and tried to leave the dish-room but, the door was locked. He then ran around the dish-room to the other side of the dish washing machine when GASS caught up with him. NEWMAN then grabbed hold of GASS and took him to the floor. NEWMAN then held GASS to the floor until the Food Service Foreman arrived and called for help.

NEWMAN stated the only reason he was telling what happened was because he felt GASS was trying to kill him. NEWMAN stated he didn't want GASS to get away with it even though he might be branded a 'snitch'. NEWMAN was very cooperative during this interview.

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Attached to this memorandum is a diagram of the altercation drawn by inmate NEWMAN. Should you desire any additional information, please do not hesitate to contact me.

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN,	:	
Plaintiff	:	
	:	CIVIL NO. 1:CV-01-0677
v.	:	(Rambo, J.)
	:	
RONALD L. JURY, Lieutenant,	:	
SIS, et al.,	:	
Defendants	:	

DECLARATION OF LOUIS CAPRIO

I, LOUIS CAPRIO, do declare and state as follows:

1. I am currently employed by the United States Department of Justice, Federal Bureau of Prisons, as a Lieutenant at the United States Penitentiary (USP) Allenwood. I have been a Lieutenant since June 21, 1998. On October 8, 2000, I obtained the grade of GS-11 Lieutenant.
2. I have been employed with the Federal Bureau of Prisons since April 19, 1992.
3. I am aware of the allegations contained in the above-captioned complaint in which I am named as a defendant by the Plaintiff, inmate Emanuel Thomas Newman, Federal Register Number 13418-039, in my official capacity.

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4. In his complaint, the Plaintiff alleges that during an interview on May 9, 1999, he told me that he was informed that someone on the compound planned to murder him, but that he did not tell me who told him of the plan. The Plaintiff states that I said I would investigate this and get back to him.
5. On May 9, 1999, Officer Couch informed me that an unidentified inmate had approached him and stated, "You might want to watch out for Newman if he keeps running his mouth."
6. The Plaintiff was located by staff and escorted to the Lieutenant's office. I then interviewed the Plaintiff concerning the statement made by the unidentified inmate.
7. I prepared a memorandum on May 9, 1999 following my interview with the Plaintiff. I have attached this memorandum to this declaration as Attachment 1.
8. As this memorandum states, I told the Plaintiff that I had heard he may be having problems in general population. The Plaintiff stated that he was not involved with anyone and pleaded to not be placed in the Special Housing Unit.

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9. The Plaintiff indicated to me during this interview that he had a minor argument with inmate Tinsley a few weeks earlier. The Plaintiff told me that he had done some legal work for Tinsley and tried to be honest with Tinsley by telling him that it did not look like he was going to be able to beat the case. Inmate Tinsley told the Plaintiff that it was his job to make it work and make it look good. See Attachment 1.
10. As reflected in my memorandum, the Plaintiff told me that he did not want to get involved with inmate Tinsley and left it at that. The Plaintiff told me that he had no problems with inmate Tinsley, which he stated was obvious from the fact that they had been on the compound together since the argument and nothing has happened between them. See Attachment 1.
11. The Plaintiff also stated to me that he got along with everyone and that somebody would have to be "brain dead" to mess with him or any of his people (referring to Nation of Islam). See Attachment 1.
12. As I wrote in my memorandum immediately following the interview, the Plaintiff said to me that he is an old man and if he felt threatened, he would come to the Lieutenant's

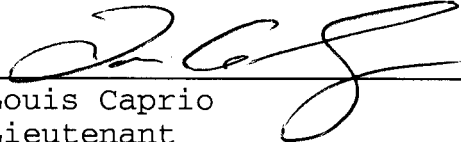
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Office before anything happened. See Attachment 1.

13. The Plaintiff pleaded not to be removed from general population and be placed into the Special Housing Unit. As I wrote in my memorandum immediately following the interview, the Plaintiff requested that he be allowed to remain in general population and assured me that he knew of no threat to his safety.
14. Based upon the investigation which had failed to reveal evidence that a specific threat existed to the Plaintiff, and the Plaintiff's own request to stay in general population, I concluded the interview and the Plaintiff remained in general population.
15. Had the Plaintiff actually informed me of a specific threat to his safety and asked me to take appropriate measures to protect him, I would have placed the Plaintiff in the institution's Special Housing Unit in an administrative detention status pending investigation.
16. All actions I took regarding the Plaintiff were in accordance with established Bureau of Prisons policies and procedures. At no time did I intentionally violate any of the Plaintiff's rights.

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I declare that all records attached to this declaration are true and accurate copies of records maintained in the ordinary course of business by the Federal Bureau of Prisons. I further declare that the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. §1746.

  
\_\_\_\_\_  
Louis Caprio  
Lieutenant  
United States Penitentiary  
Allenwood, Pennsylvania

6-25-02  
Date

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Newman v. Jury, et al.

1:CV-01-0677

Declaration of L. Caprio

**ATTACHMENT #1**

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U. S. Department of Justice

Federal Bureau of Prisons

U.S. Penitentiary, Allenwood

White Deer, PA 17887-3500

May 9, 999

**MEMORANDUM FOR JAMES F. SHERMAN, CAPTAIN**

**FROM:** A. Caprio, Lieutenant

**SUBJECT:** Inmate NEWMAN, Emanuel, #13418-039

On May 9, 1999, Officer Couch informed me that an unidentified inmate approached him and stated "You might want to watch out for Newman if he keeps running his mouth." Inmate Newman was located and escorted to the Lieutenant's Office to be interviewed.

During the interview, inmate Newman was told that information was obtained that he may be having problems in general population. Inmate Newman stated he was not involved with anyone and pleaded to not be placed in the Special Housing Unit. Newman further stated, "Look Lt, I'm not going to lie to you the only thing I got going on is doing a few inmates legal work to survive in this place. I get a little reimbursement for my services but that is it." Inmate Newman also stated the only thing he could think of was an minor argument he had with inmate Tinsley, #49227-083, a few weeks earlier. Newman stated he did some legal work for Tinsley and tried to be honest with Tinsley by telling him it did not look like he was going to be able to beat the case. Tinsley told Newman it was his job to make it work and make it look good. Newman stated the kid is young and acts like a punk, and he did not want to get involved with him and left it at that. Newman further stated he had no problems with Tinsely and it was obviously since they have been on the compound together and nothing has happened. Newman also stated nobody would do anything to him, he gets along with everyone and stated somebody would have to be "brain dead" to mess with him or any of his people (referring to Nation of Islam). Newman also stated that he is an old man if he felt threatened he would come to the Lieutenant's Office before anything happened.

Based upon the interview, inmate Newman's request to remain on the compound, and that no additional information was provided to identify a serious threat existed to Newman's safety, the inmate was released back to his housing unit in general population.

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UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN, :  
Plaintiff :  
 : CIVIL NO. 1:CV-01-0677  
v. : (Rambo, J.)  
 :  
RONALD L. JURY, et al. :  
Defendants :  
 :

DECLARATION OF JIMMIE WHITE JR.

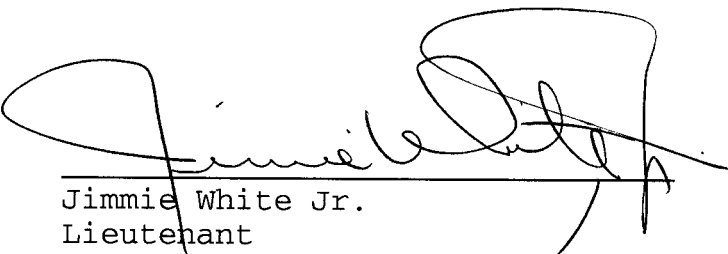
I, Jimmie White Jr., do declare and state as follows:

1. I am currently employed by the United States Department of Justice, Federal Bureau of Prisons, as a GS-11 Lieutenant at the United States Penitentiary (USP) Allenwood. I have held this position since December 6, 1998.
2. I have been employed with the Federal Bureau of Prisons since September 19, 1993.
3. I am aware of the allegations contained in the above-captioned complaint in which I am named as a defendant by the Plaintiff, inmate Emanuel Thomas Newman, Federal Register Number 13418-039. The Plaintiff alleges that during an interview on May 12, 1999, I had indicated to him that I would investigate his security concerns and get back to him.

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4. Contrary to the allegation made by the Plaintiff, I did not interview the Plaintiff on May 12, 1999, nor do I have any recollection of ever interviewing the Plaintiff. I do not recall the Plaintiff ever asking me to take appropriate measures to safeguard him.
5. Had the Plaintiff actually made these statements to me I would have taken the appropriate steps to safeguard the Plaintiff. If I had become aware of a threat to the Plaintiff, I would have placed him in the institution's Special Housing Unit in an administrative detention status pending investigation.
6. At no time did I intentionally violate any of the Plaintiff's rights.

I declare that the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. §1746.



Jimmie White Jr.  
Lieutenant  
United States Penitentiary  
Allenwood, Pennsylvania

6/25/02  
Date

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN, :  
Plaintiff :  
 :  
v. : Civil No. 1:CV-01-0677  
 : (Rambo, J.)  
RONALD L. JURY, Lieutenant, :  
SIS, et al., :  
Defendants :

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

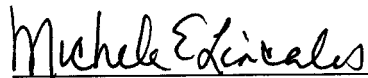
That on July 3, 2002, she served a copy of the attached

RECORD TO BRIEF IN SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Emanuel Thomas Newman  
Reg. No. 13418-039  
FCI Pekin  
P.O. Box 5000  
Pekin, IL 61555-5000

  
MICHELE E. LINCALIS  
Paralegal Specialist